

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: **Pratt et al.**

Serial No.: **09/726,266**

Filed: **November 30, 2000**

For: **Method for Managing Resources on
a Per User Basis for Unix Based Systems**

§
§
§
§
§
§
§

Group Art Unit: **2154**

Examiner: **Philip C. Lee**

Attorney Docket No.: **AUS9-2000-0486-US1**

35525

PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Notice of Non-Compliant Appeal Brief was received by Applicant stating that “the appeal brief filed on August 29, 2006 is considered non-compliant because the brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal”. A copy of the Notice of Non-Compliant Appeal Brief is attached hereto.

No fees are believed to be required. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

In response to the Notification of Non-Compliant Appeal Brief dated October 31, 2006, please reconsider the holding of non-compliance as follows:

REMARKS

In the Notification of Non-Compliant Appeal Brief, the Appeal Brief filed on August 29, 2006, was held defective because “the brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal.”

In order to address the Examiner’s concerns, a Replacement Appeal Brief is submitted herewith. It is respectfully submitted that the Replacement Appeal Brief filed herewith is in compliance with 37 C.F.R. §41.37. Appellant respectfully requests that the Replacement Appeal Brief be entered.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Date: November 30, 2006

Respectfully submitted,

/Theodore D. Fay III/ _____

Theodore D. Fay III

Registration No. 48,504

Yee & Associates, P.C.

P.O. Box 802333

Dallas, Texas 75380

(972) 385-8777

ATTORNEY FOR APPLICANTS